

No. 01-20-00568-CV

IN THE FIRST COURT OF APPEALS
HOUSTON, TEXAS

FILED IN
1st COURT OF APPEALS
HOUSTON, TEXAS
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CHRISTOPHER A. PRINE
Clerk

SUNIL KUMAR MEHTA AND MEHTA INVESTMENTS, LTD.,

Defendants–Appellants

v.

MOHAMMED AHMED

Plaintiff-Appellee

Appeal from the 295th Judicial District Court of Harris County, Texas
Trial Court Cause No. 2017-84654

**UNOPPOSED MOTION FOR THIRD EXTENSION OF TIME
TO FILE APPELLEE’S BRIEF**

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COUNSEL FOR APPELLEE
MOHAMMED AHMED

TO THE HONORABLE JUSTICES OF THE FIRST COURT OF APPEALS:

Appellee, Mohammed Ahmed, pursuant to Texas Rule of Appellate Procedure 10.5(b), files this Unopposed Third Motion for Extension of Time to File Appellee's Brief, making the brief due on **June 28, 2021**. In support of its motion, Appellee would respectfully show the Court as follows:

1. Appellee's Brief is currently due May 28, 2021. This is the **third** request for an extension of time by Appellee. Appellee anticipates that this is the **last** extension that will be required.

2. This is an appeal from a four-day jury with a substantial record and many complex issues. An extension is needed to fully address issues raised by Appellants.

3. In addition, counsel for Appellee have been (and will be) working on other trial and appellate matters leading up to the current due date of Appellee's Brief, including, among others:

- a. A motion for summary judgment, and response to Rule 56(f) motion in the Circuit Court of Mobile Alabama (CV-20-900171);
- b. An appellee brief in an administrative appeal before the Rhode Island Department of Health in *In re Encompass Health Rehabilitation Hospital of Johnston, LLC Certificate of Need*;
- c. An appellee brief in the Mississippi Supreme Court in *Julia L. Kelley v. Ocwen Loan Servicing LLC*, No. 2020-CA-01217;
- d. Counsel has a confidential arbitration that is set for hearing in July and the parties are finishing discovery and taking a number of depositions;

- e. Counsel has a reply brief due in *Chris Ferron v. Precision Directional Services, Inc.*, No. 14-21-0082-cv, which is an accelerated appeal.
 - f. Counsel has summary judgment briefing due in *Mitsui E&P Texas, LP and SM Energy Co. v. Anadarko E&P Onshore, LLC and Anadarko Energy Services Co.*, in the 61st Judicial District Court, Harris County, Texas.
 - g. Counsel has summary judgment briefing due in *Terry Charlton v. House of Blues Houston*, No. 2020-03456, in the 215th Judicial District Court, Harris County, Texas.
 - h. Counsel is assisting with trial preparation and pretrial briefing in the matter of *Kathy Lehne v. Ali Fazeli a/k/a Sayed Fazeli and Ali Davoudi*, No. 2017-45073, in the 189th Judicial District Court, Harris County, Texas, which is preferentially set for trial starting on May 24, 2021.
4. This motion is not for delay but so that justice may be done. Counsel for Appellants does not oppose the relief requested.

Request for Relief

Appellee, Mohammed Ahmed, requests that this Court grant Appellee's Third Unopposed Motion for Extension of Time to File Appellee's Brief, grant Appellee a thirty-day extension, and that the Court enter an order permitting Appellee's brief to be filed on or before **June 28, 2021**.

Dated: May 11, 2021.

Respectfully submitted,

By: /s/ Peter Scaff

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CERTIFICATE OF CONFERENCE

As required by Tex. R. App. P. 10.1(a)(5), I certify that I have conferred with Roger Townsend, attorney for Appellants, who indicated that this motion is unopposed.

 /s/ Philip J. Morgan
Philip J. Morgan

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2021, the undersigned filed a copy of the foregoing via the Court's electronic filing system and/or served a copy by United States mail, postage prepaid, to the following:

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/s/ Philip J. Morgan
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This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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